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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 Jobal Jay Livingston,
11 Appellant,
12 v.
13 United States of America,
14 Appellee.

Case No. 2:23-cv-01277-APG-NJK

**STIPULATION TO EXTEND BRIEFING
SCHEDULE**
(First Request)

15
16 IT IS HEREBY STIPULATED AND AGREED, by and Between Jason M. Frierson,
17 United States Attorney, and Imani Dixon, Assistant United States Attorney, counsel for the United
18 States of America, and Rene L. Valladares, Federal Public Defender, and Benjamin F. J. Nemec,
19 Assistant Federal Public Defender, counsel for Jobal Livingston, that the current briefing schedule
20 be vacated and extended as follows:

- 21
- 22 • Appellant's Opening Brief is due October 25, 2023.
 - 23 • Appellee's Answering Brief is due November 30, 2023.
 - 24 • Appellant's Reply Brief is due December 14, 2023.
- 25
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1 This Stipulation is entered into for the following reasons:

2 1. This is the first request for an extension of the briefing schedule. The opening
3 brief is currently due August 30, 2023.

4 2. This case involves an appeal from a bench trial in which Mr. Livingston was
5 found guilty of one count of disorderly conduct under 38 C.F.R. § 1.218. Four witnesses
6 testified at trial. The parties also strongly disagreed about the proper interpretation of the
7 regulation, which has little governing caselaw, and the sufficiency of the evidence presented at
8 trial. Given the relative complexity of this misdemeanor appeal, an extension of time for both
9 parties' briefing is appropriate so the parties may sufficiently brief the issues.

10 3. Mr. Livingston is out of custody and does not object to this stipulation.

11 4. The parties agree to the extension.

12 DATED this 29th day of August, 2023.

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14 RENE L. VALLADARES
15 Federal Public Defender

JASON M. FRIERSON
United States Attorney

16
17 By: Benjamin F. J. Nemec
18 BENJAMIN F. J. NEMEC
Assistant Federal Public Defender

By: Imani Dixon
IMANI DIXON
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Jobal Jay Livingston,
Appellant,
v.
United States of America,
Appellee.

Case No. 2:23-cv-01277-APG-NJK

ORDER

IT IS THEREFORE ORDERED that the current briefing schedule be vacated and modified as follows:

- Appellant's Opening Brief is due October 25, 2023.
- Appellee's Answering Brief is due November 30, 2023.
- Appellant's Reply Brief is due December 14, 2023.



ANDREW P. GORDON, U.S. DISTRICT JUDGE
DATED: September 5, 2023